SUPREME COURT OF THE UNITED STATES.

No. 299.

THE UNITED STATES, APPELLANTS,

vs.

THE STEAMER T. S. CONNOLLY, HER TACKLE, APPAREL, &c.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

INDEX.

	Original.	Print.
Libel of information	1	1
Order of publication	5	3
Warrant	7	4
Marshal's return on warrant	9	4
Monition	9	4
Claim of Red River Packet Company	11	5
Bond for costs	12	5
Answer of claimants	14	6
Application of claimants to bond	17	7
Consent of parties to bond	17	7
Appraisers' report	19	7
Appraisers' bill	20	8
Release bond	21	8
Notice to take testimony and marshal's return	23	9
TESTIMONY FOR LIBELLANTS.		
Testimony of James A. Gresham	24	10
Testimony of Ferdinand V. Cellos	27	11
Notice to take testimony and marshal's return	28	12
TESTIMONY FOR CLAIMANTS.		
Testimony of Richard J. Nugent	30	12
Notice to take testimony	32	13
Marshal's return	33	13

TESTIMONY FOR LIBELLANTS.

	Original.	Print.
Testimony of A. H. Mason	34	14
Testimony of Thomas L. Airey	34	14
Notice to take testimony and marshal's return	35	14
Testimony of George D. Hite	36	15
Note of evidence	36	15

DOCUMENTS OFFERED IN EVIDENCE.

Statement of G. L. Kouns	37	15
Oath of allegiance of G. L. Kouns	41	17
Letter addressed to Major General E. R. S. Canby	42	17
Military convention	43	17
Oath of G. L. Kouns	51	20
Oath of G. L. Kouns	52	20
Document A, sale of the steamer Conolly	53	21
Hearing and submission of cause	55	21
Final decree	55	22
Petition of appeal	56	22
Order allowing appeal	58	23
Clerk's certificate to transcript	59	23
Citation of appeal and service	60	23

1 *Libel of information.—Filed June* 20, 1865.

To the honorable the judges of the circuit court of the United States for the sixth judicial circuit and eastern district of Louisiana.

The libel of information of Rufus Waples, attorney of the United States for the eastern district of Louisiana, who prosecutes for the said United States in this behalf, and being here present in court, in his own proper person, in the name and behalf of the said United States of America, and Charles Black, sr., informant, against the steamer T. S. Connolly, her tackle, apparel, and furniture, hereinafter described, and against all persons intervening for their interest therein, in a case of seizure and forfeiture, alleges, propounds, and declares as follows:

I. That Cuthbert Bullitt, esq., marshal of the United States for the said district, under written authority given him by the said attorney, in compliance with instructions issued by the Attorney General of the United States to the district attorneys thereof, and by virtue of the act of Congress, approved on the sixth day of August in the year of our Lord one thousand eight hundred and sixty-one, entitled "An act to confiscate property used for insurrectionary purposes," heretofore, that is to say, on the 19th day of June, in the year one thousand eight hundred and sixty-five, seized as forfeited to the United States, at New Orleans, within said district, and within the jurisdiction of this court, the steamer T. S. Connolly, her tackle, apparel, and furniture and machinery.

3 II. That by the act of the Congress of the United States, approved August 6, 1861, entitled "An act to confiscate property used for insurrectionary purposes," it was provided, "that if, during the present or any future insurrection against the governmentof the United States, after the President of the United States shall have declared, by proclamation, that the laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person or persons, his, her, or their agent, attorney, or employee, shall purchase or acquire, sell or give, any property of whatever kind or description, with intent to employ the same, or suffer the same to be used or employed, in aiding, abetting, or promoting such rebellion or resistance to the laws, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned."

III. That the President of the United States did, on the 15th of April, 1861, declare by proclamation, "that the laws of the United States are opposed and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law;" and

that on the 16th of August, 1861, he did reiterate said proclamation, and did declare that "such insurrection" still existed and had not been suppressed.

IV. 1. That the property herein above described was used and employed knowingly by the owner or owners thereof, in aiding, abetting, or promoting the said insurrection and resistance to the laws, within the meaning of the said act of Congress, after the approval of the said act, and after the public proclamations of the President above mentioned, and after the 16th day of August, 1861, by being used in the transportation of troops of the so-called Confederate States, in insurrection against the United States, and in transporting ammunition and supplies for the said confederate troops.

2. That the property herein described was used and employed, knowingly, by the owner or owners thereof, in aiding and abetting persons engaged in the said insurrection and resistance to the laws, within the meaning of the said act of Congress, after the approval of said act, and after the public proclamations of the President above mentioned, and after the 16th day of August, 1861, by being used in the transportation of troops of the so-called Confederate States, and in the transportation of munitions of war and supplies, &c., for the said confederate troops in armed rebellion against the government of the United States.

3. That the said property was purchased, and acquired, and sold, and given, by the owner or owners thereof, or by his, her, or their agent or employee. with intent to use or employ the same for the purpose of aiding, abetting, and promoting the said insurrection and resistance to the laws, after the approval of said act, and after the public proclamations above mentioned, and after the 16th day of August, 1861, by being used in transporting troops of the so-called Confederate States, in armed rebellion against the government of the United States, and transporting supplies, munitions of war, etc., for said troops.

4. That the owner or owners of the said property did knowingly consent to the use or employment of it for the purpose of aiding, or abetting, or promoting said insurrection and resistance to the laws, or of aiding, abetting, or promoting persons engaged therein, after the approval of said act, and after the proclamations above mentioned, and after the 16th day of August, 1861, by permitting the use of the property as aforesaid.

5. That the owner or owners of said property, his, her, or their agent or employee, did suffer said property to be used or employed in aiding, abetting, and promoting the insurrection proclaimed by the President as aforesaid, and in aiding, abetting, or promoting a person or persons engaged in said insurrection, after the approval of act above mentioned, and after the proclamation of the President, duly made public on the 16th day of August, 1861, by permitting the use of the property as aforesaid.

V. That by reason of the premises, the property herein described became and was forfeited to the United States, and ought to be confiscated and condemned to the use of the said United States as enemy property.

Wherefore, the said attorney, in the name and behalf of the United States of America, prays that process of monition may issue against the said property and the owner or owners thereof, and against all persons interested or claiming an interest therein, warning them at some early day, to be named therein, to appear and answer
4 this libel of information; and that an order of publication may be made in the usual form; and that all due proceedings being had, this hon. court may be pleased to decree for the condemnation and forfeiture of the said property to the use and ownership of the said United States, and of Charles Black, sr., informant, and he prays for such further relief as the court is competent to give in the premises.

(Signed) RUFUS WAPLES,
U. S. Att'y for East. Dist. of La.

Filed June 20th, 1865.

5 *Order of publication.*

United States circuit court for the east. district of La.

UNITED STATES
vs.
THE STEAMER T. S. CONNOLLY, tackle, apparel, etc., etc. } No. 3,593.

Whereas, the steamer T. S. Connolly, her tackle, apparel, and furniture and machinery described in the libel filed by the district attor'y and now of record in this court, and all the right, title, and interest therein, has been seized by the marshal of the United States for the eastern district of Louisiana, by virtue of an act of Congress, approved on the sixth day of August, in the year of our Lord one thousand eight hundred and sixty-one, entitled "An act to confiscate property used for insurrectionary purposes;" and whereas the United States
6 attorney for the eastern district of Louisiana did, on the 20th day of June, A. D. 1865, file a libel of information in this court, praying the condemnation of said property under the act aforesaid, and that process of monition issue against the owners of said property and all persons interested or claiming an interest therein, warning them at some early day to appear and answer said information:

It is therefore on this 27 June, in the year of our Lord eighteen hundred and sixty-five, ordered that notice be given to the owners of said property, and all persons interested or claiming an interest therein, to appear and answer this information on the 17th day of July, 1865, and show cause, if any they have, why said property and the right, title, and interest therein should not
7 be condemned and sold according to law; and that notice be given by posting a copy of this order upon the front door of the court house of the district, and by publication in the Times newspaper twice a week previous to said 17th day of July, A. D. 1865, the first publication to be on or before the 3d July, 1865.

New Orleans, June 27th, 1865.

(Signed) E. H. DURELL, *Judge.*

Warrant.

The President of the United States of America to the marshal of the eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded forthwith to seize, and into your possession take, the steamer T. S. Connolly, her tackle, apparel, furniture and machinery, described in the libel filed by the district attorney, now of record in this court, and now libelled by the United
8 States for the causes set forth in the libel pending in the circuit court of the United States for the sixth judicial circuit and eastern district of Louisiana, that you do cite and admonish the owner or owners and all and every other person or persons having or pretending to have, any right, title, or interest in or to the same, to be and appear before a circuit court of the United States for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the service hereof, to show cause, if any they have or can, why the said property should not be condemned and sold agreeably to the prayer of the libellant, and how you have executed this warrant, that you make return according to law.

Witness Hon. Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 27th day of June, A. D. 1865, and 89th year of the independence of the United States.

(Signed) F. B. VINOT, *D'y Clerk.*

9 *Marshal's return.*

Received June 30th, 1865, and having seized and taken into my possession the str. T. S. Connolly, her tackle, apparel, &c., on the authority of a previous writ, I posted a copy of the warrant, the libel, and the order of the judge on the door of the court house, and published the monition in the New Orleans Times, a daily paper printed and published in New Orleans, on the 1st, 6th, 11th, 15th July, 1865.

Ret. July 17th, 1865.

(Signed) A. BOUDOUIN, *Deputy.*

Monition.

UNITED STATES
vs.
STEAMER T. S. CONNOLLY, her tackle, apparel, and furniture. } No. 3,593.

In the United States circuit court for the sixth circuit and east. district of Louisiana, No. 3,593, in obedience to an admiralty warrant, to me directed in the above-entitled suit, I have seized
10 and taken into my possession the steamboat T. S. Connolly, her tackle, apparel, and furniture, now libelled by the United States of America for the causes set forth in the libel now pending in the circuit court of the United States, and I do hereby cite and admonish the owner or owners thereof, and all and every person or persons having or pretending to have any right, title, or interest in

or to the same, to be and appear at a circuit court of the United States for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the date hereof, to show cause, if any they have or can, why the said steamer, her tackle, apparel, etc., should not be condemned as forfeited to the United States, and be sold agreeably to the prayer of libellants, and the proceeds thereof be distributed according to law.

United States marshal's office, New Orleans, 30th day of June, 1865.

11 (Signed) CUTHBERT BULLIT,
U. S. Marshal.

Claim of Red River Packet Co'y.—Filed June 29th, 1865.

In the circuit court of the United States for the east. dist. of La.

UNITED STATES
vs.
STEAMBOAT T. S. CONNOLLY. } No. 3,593.

George L. Kouns, residing in this city, president of the Red River Packet Company, a corporation established by law in Louisiana, and which is owner of the steamboat T. S. Conley, intervening for the interest of said company, appear now before this hon. court, and claims the said steamboat T. S. Conley, her engines, and appurtenances, and states that the said company is the true and bona fide owner of said steamboat T. S. Conley, and that no other
12 person is the owner.

And, therefore, the said George L. Kouns prays this honorable court to decree a restitution of the said steamboat, and otherwise right and justice to administer in the premises; and he further swear that he is a loyal citizen of the United States.

(Signed) G. L. KOUNS,
Pres't Red River Packet Co.

(Signed) DURANT & HOMOR, *Proctors.*

Sworn to and subscribed before me, this 29th June, 1865.

(Signed) F. B. VINOT, *D'y Cl'k.*

Bond for costs.—Filed June 29th, 1865.

UNITED STATES OF AMERICA, *Eastern District of Louisiana, to wit:*

Personally appearing before me, the undersigned United
13 States commissioner for the east. district of Louisiana aforesaid, Geo. L. Kouns, as president of the Red River Packet Company, as principal, and said Geo. L. Kouns, as surety, do hereby acknowledge themselves, jointly and severally, to be indebted unto the United States in the full sum of two hundred and fifty dollars, lawful money of the United States, to be levied of their goods, chattels, lands, and tenements, the use of the said United States, and for the payment whereof they jointly and severally bind them-

selves, their heirs, executors, and administrators, firmly by these presents.

Whereas, in the matter of the United States *vs.* the steamer T. S. Connolly, &c., No. 3,593, of the docket of the circuit court of the United States for the eastern dist. of Louisiana, a libel of information has been filed on behalf of the United States.

14 This obligation to be null and void, on condition that the said Geo. L. Kouns, in his said capacity, shall abide by the final decree rendered in the cause, and pay all such costs, expenses, and damages as shall be awarded by the court upon the final decree, whether it is rendered in the original or appellate court; otherwise this obligation to remain in full force and virtue.

(Signed) G. L. KOUNS, [L. S.]
Pres. Red River Packet Co.

(Signed) G. L. KOUNS. [L. S.]

Signed and sealed at the city of New Orleans, this 29th day of June, 1865.

(Signed) CHS. CLAIBORNE,
U. S. Commissioner in and for the Eastern District of Louisiana.

Answer.—Filed July 3d, 1865.

UNITED STATES
vs.
THE STEAMBOAT T. S. CONLEY. } No. 3,593.

15 To the honorable the judges of the United States circuit court for the eastern district of Louisiana.

The answer of Geo. L. Kouns to the libel of information filed by the United States district attorney against the steamboat T. S. Conley, her tackle, apparel, and furniture, which answer he files as president of the Red River Packet Company, a corporation established under the laws of Louisiana, articulately propounds as follows:

1st. To the first article of the libel he says, that he admits the seizure of the steamboat T. S. Conley, but denies that the same was legally made.

2d. He admits the passage of the various acts of Congress, and the putting forth of the presidential proclamations mentioned in the second and third articles of the libel, but says that they have no applicability to the steamboat T. S. Conley and her owners.

3d. And as for the matters and things set forth in the fourth
16 article of the libel, and the subsidiary clause thereof, he says that in everything then contained tending to show the steamboat T. S. Conley liable to confiscation, the same are altogether fully alleged; the truth being that she never was used, by the will and and consent of the owners or their lawful agents, to aid the enemy of the United States.

4th. And respondents aver that all and singular the premises are true.

Wherefore this respondent prays that this honorable court would be pleased to pronounce against the libel aforesaid, and to condemn the libellant to costs, and otherwise law and justice to administer in the premises.

(Signed) G. L. KOUNS.
(Signed) DURANT & HONOR,
Proctors.

Sworn to and subscribed before me, this 3d July, 1865.
(Signed) F. B. VINOT, *D'y Cl'k.*

17 *Application of claimants to bond.—Filed Aug.* 31*st*, 1865.

OFFICE UNITED STATES MARSHAL, EASTERN DISTRICT OF LA.,
New Orleans, August 16*th*, 1865.

SIR: I am desirous of bonding the steamer T. S. Connolly, now in your official possession; in case of your approval, please appoint the proper appraisers, and facilitate the matter as much as lies in your power, as I am desirous of saving all unnecessary expense.

By giving this speedy attention you will oblige,
(Signed) G. L. KOUNS,
President of Red River Packet Co.

Hon. CUTHBERT BULLIT, *U. S. Marshal.*

Consent of parties to bond.—Filed Aug. 31*st*, 1865.

OFFICE UNITED STATES MARSHAL, EASTERN DISTRICT OF LA.,
18 *New Orleans, August* 16*th*, 1865.

SIR: The claimants of steamer T. S. Conolly now libelled are desirous to bond the said boat, and the U. S. marshal has appointed, with your approval, Capt. Rich'd L. Robinson, the inspector for underwriters on the part of the U. S., the claimants appointing one whose name will be given to-morrow.

Very respectfully, your ob't servant,
(Signed) J. J. PREIS, *Dep'y U. S. Marshal.*

RUFUS WAPLES, Esq., *U. S. Dist. Att'y.*

I name Capt. Rich'd L. Robinson as appraiser on the part of the government.
Aug't 16th, 1865.
(Signed) RUFUS WAPLES, *U. S. Att'y.*

I name Ferdinand V. Cellos as appraiser on the part of claimant.
August 16th, 1865.
19 (Signed) G. L. KOUNS,
President Red River Packet Co.

Appraiser's report.—Filed Aug. 31*st*, 1865.

SURVEYOR FOR FRENCH LLOYDS, ENGLISH LLOYDS,
AND BOARD OF UNDERWRITERS OF NEW ORLEANS,
Office 80 *Camp st., N. Orleans.*

In conformity with the annexed order of appraisement, I have this day repaired on board the steamer T. S. Conley, and after a careful

examination of every part of the boat, I hereby appraise her value in her present condition at the sum of three thousand ($3,000) dollars.

Given under my hand and seal this 18th day of August, 1865.

(Signed) RICH'D L. ROBERTSON.

Having been appointed by the owners of the st'r T. S. Conley, to act as appraiser on their behalf, I concur in the above appraise-
20 ment of three thousand dollars.

(Signed) FERD. V. CELLOS.

Richard L. Robertson and Ferdinand V. Cellos, being duly sworn, say that they have made the within appraisement and signed the same.

(Signed) RICH'D L. ROBERTSON.
(Signed) FERD. V. CELLOS.

Sworn to and subscribed before me, this 18th day of August, 1865.

(Signed) CH'S CLAIBORNE,
Clerk U. S. Circuit Court.

Appraiser's bill.—Filed Aug't 31st, 1865.

UNITED STATES
vs.
THE STEAMER T. S. CONLEY. } No. 3,593.

United States circuit court, to appraisers, Dr.
For examination, appraisement, Aug. 18th, 1865, $3,000,
a 1 per cent..... $30 00

On steamer T. S. Conley.

21 *Release bond.—Filed Aug. 31st*, 1865.

UNITED STATES OF AMERICA, *Eastern District of Louisiana:*

Know all men by these presents, that we, George L. Kouns, president of the Red River Packet Company, claimant, and of the steamer T. S. Conley, as principal, and David C. McCan as sureties, are held and firmly bound unto Cuthert Bullit, marshal of the United States for the east. dist. of La., in the sum of four thousand five hundred dollars, lawful money of the United States of America, for the payment whereof to the said United States marshal, his heirs, executors, administrators, or assigns, we jointly and severally bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Witness our respective names and seals hereunto affixed by us, at New Orleans, this 31st day of August, one thousand eight hundred and sixty-five.

Whereas an admiralty warrant was lately issued out of the honorable the circuit court of the United States of America for the eastern district of Louisiana, at the suit of the United States *vs.* the

steamer T. S. Connolly, her tackle, apparel, and furniture, and numbered 3,593 on the docket of the said court, commanding the marshal to seize and take into his possession the steamer, &c., which has been seized accordingly, but has been released from said seizure and delivered to said Geo. L. Kouns, president of said company, claimant and owner thereof by reason of the signing, sealing, and delivery of these presents, under written consent of parties on file to bond said property, and filed a claim thereto, which is now of record in the clerk's office of this court.

Now, the condition of the above obligation is such, that if the said claimants and surety abide by all the orders, interlocutory or final, of the court, and pay the said libellants the amount awarded by the final decree, rendered in the court to which the process is returnable, or in any appellate court, then the foregoing obligation is to be void; but otherwise shall remain in full force and virtue.

(Signed) [SEAL.] G. L. KOUNS,
Pres. Red River Packet Co.

(Signed) [SEAL.] D. C. McCAN.

Signed, sealed, and delivered in the presence of—
(Signed) CHARLES CLAIBORNE, *U. S.*

22 David C. McCan, surety on the within bond, being duly sworn, says that he resides in the city of New Orleans, and is worth the sum of four thousand five hundred dollars over and above all his debts and liabilities.

(Signed) D. C. McCAN.

Sworn to and subscribed before me, this 31st August, 1865.
(Signed) CH'S CLAIBORNE,
U. S. Com'ner.

Approved:
(Signed) RUFUS WAPLES,
U. S. Att'y.

23 *Notice to take testimony.—Issued November 22d*, 1865.

United States circuit court, eastern dist. of Louisiana.

UNITED STATES
vs.
STEAMER T. S. CONNOLLY, &c. } No. 3,593.

To Durant & Hornor, esq's:

You are hereby notified that testimony will be taken in the above entitled cause on Saturday, the 25th day of November, 1865, at the clerk's office of this court at 1 o'clock p. m., on behalf of libellant.

New Orleans, Nov. 21st, 1865.
(Signed) F. B. VINOT, *D'y Cl'k.*

Marshal's return.

Received November 22d, 1865, and same day, month, and year served a copy of the within notice on Durant & Hornor, esq'rs,
24 at their office, in the hands of C. W. Honor, esq'r, personally, he being one of said firm.

New Orleans, November 23d, 1865.

(Signed) J. J. PREIS,
D'y U. S. Marshal.

Testimony for libellants.—Filed November 25th, 1865.

United States circuit court.

UNITED STATES
vs.
ST'BT T. S. CONNOLLY, etc. } No. 3,593.

Testimony taken before me, this 25th November, 1865, in presence of Jno. K. Goodloe, dist. att'y, for libellant, and Chas. W. Hornor, for claimant.

James A. Gresham, being duly sworn for libellant, says:

I left this city as a private in the confederate army; was afterward crippled, and placed in the quartermaster's department, and made a bonded agent, with the rank of captain. I had connexion with the transportation department.

24½ I know the steamer T. S. Conolly. I think she was engaged since August 16th, 1861, in carrying supplies for the confederate government, but in regard to this boat I do not know. My business was with the regular packet boats, and this was what we called an outside boat. I think it was in January last that I saw this boat carrying confederate troops and supplies; she was carrying them between Alexandria and Shreveport; I don't know who were her officers at the time. I never, to my knowledge, saw any arms or ammunition on board of her.

Cross-examined:

There were no federal authorities up there at the time. Gen'l Kirby Smith, a rebel, was the ranking officer up there in command. Martial law prevailed there. I only know who were the owners of the boat by hearsay.

Q. Did the rebel military authorities there take boats with-
25 out the consent of their owners?

(Objected to by libellant, on the ground that it is incompetent to ask a general question in that way. The examination must be confined to the case we have under consideration. Whereupon the counsel for claimant insisted upon the answer being written down by the commissioner, and urged that the said commissioner had no legal right, power, or authority to pass upon the admissibility of evidence or determine questions of law, and that it was the province of

the court to do this, and that such has been the general practice of the court. Objection sustained.)

Answer. I do not know that the rebel authorities took the boat; don't know whether they employed her or not. I was never on her, to my knowledge, while she was carrying troops.

It is an impression of mine that the steamer Connolly carried troops and supplies for the confederate government.

26 Re-direct examination:

I have no recollection, and cannot say positively, whether I ever saw confederate troops or supplies on board the Connolly. I cannot say whether I ever saw the T. S. Connolly land confederate supplies of any kind.

Q. Was property generally held up there subject to the control of the military authorities?

(Objected to by libellant, as irrelevant and as secondary proof, and objection sustained with the same effect as the other.)

Q. Could the owner or owners of the steamer Conolly have safely refused the use of their boat to the rebel authorities in case she had been wanted for that purpose?

A. They might have been arrested. I don't think they would have been shot or hung.

(Signed) JAMES A. GRESHEM.

Sworn to and subscribed before me, the 25th Nov., 1865.

(Signed) CH'S CLAIBORNE,
U. S. Commissioner.

27 Ferd. V. Cellos, being duly sworn for libellants, deposes and says:

I started out a private in the confederate army and was afterwards detailed in the quartermaster's department.

I knew the steamboat T. S. Connolly; I have a recollection of the said boat carrying quartermaster stores on one trip since Aug. 16th, 1861; that was about December, 1864. She carried them from Alexandria to Shreveport. Shreveport at that time was a military post of the Confederate States government.

The Conolly only ran on the one trip from Alexandria to Shreveport, to my recollection.

I never saw any confederate troops on her. She was commanded on that trip by Capt. Kouns; I don't know his first name. I never saw any arms or ordnance stores on her.

28 Cross-examined:

The reason I know she made this one trip is that I was in the quartermaster department, and that while there an order was served by Major Hays on Capt. Kouns to take this railroad iron and coal; I saw the order.

Re-direct exa.:

I do not know whether Captain Kouns made any resistance to the order. It was an order directing him to receive and carry certain freight up the river.

(Signed) FERD. V. CELLOS, JR.

Sworn to and subscribed before me, this 25th November, 1865.

(Signed) CH'S CLAIBORNE,
U. S. Commissioner.

Notice to take testimony.—Issued Dec. 23d, 1865.

United States circuit court, eastern dist. of Louisiana.

29 UNITED STATES
vs.
ST'R T. S. CONNOLLY. } No. 3,593.

To Durant & Hornor, esq'rs:

You are hereby notified that testimony will be taken in the above-entitled cause on Thursday, the 28th day of December, 1865, at the clerk's office of this court, at 10 o'clock a. m., on behalf of libellant.

New Orleans, Dec. 22d, 1865.

(Signed) F. B. VINOT, *D'y Cl'k.*

Marshal's return.

Received December 23d, 1865, and same day, month, and year served a copy of the within notice on Durant & Hornor, esqrs., in the hands of Wm. Benedict, esq., at the office of Durant & Horner, esqrs.

December 23d, 1865.

(Signed) M. EGAN,
D'y U. S. Marshal.

30 *Testimony for claimants.—Filed January 16th, '66.*

UNITED STATES
vs.
ST'R T. S. CONNOLY. } No. 3,593.

Richard J. Nugent, sworn for claimant, says: I reside in this city. I have known the Connolly in Washita river, in January and February, 1864. I was at the time quartermaster for the staff of Brigadier General A. Mouton, Conf. States army. I know that in the month of January, '64, the T. S. Connolly was impressed by his order for the purpose of proceeding to Harrisonburg, La., to remove from that point certain pieces of siege artillery, which had formerly been used in the fort at that place to Monroe, La., and by his order I ordered her to return to Harrisonburg; that she was then used by me as quartermaster for transporting army supplies.

31 She remained in my service for about two weeks, and was

then transferred to the engineer department for transporting the guns which had been previously taken from Harrisonburg to Trenton, Louisiana. The period of her service continued to on or about 1st March, 1864, to my knowledge, because I left Harrisonburg on or about that day.

The owners of the boat had no option in the matter; this boat endeavored to avoid the orders given her at Monroe, La., on the first instance, and she only proceeded on her trip after her captain had been informed or notified by me that unless he obeyed I would place some one on board in his stead. I don't know who the owners of the Connolly were at that time.

I was the executive officer, and had to carry out General Mouton's orders.

Cross-exa.:

The Connolly carried no flag as far as I knew. Never saw
32 any. I did not use force against her, but threatened her.

The Connolly carried no private freight during the period spoken of, that I know. I was not on her when she made her trips.

(Signed) RICHARD J. NUGENT.

Sworn to and subscribed before me, this 16 January, 1866.

(Signed) CHS. CLAIBORNE,
U. S. Com'ner.

Notice to take testimony.—Issued March 15th, 1866.

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs. } No. 3,593.
ST'R T. S. CONNOLLY.

To Durant & Hornor, esqrs:

You are hereby notified that testimony will be taken in the above-entitled cause on Saturday, the 17th day of March, 1866, at the
33 clerk's office of this court, at 5½ o'clock p. m., on behalf of libellant.

New Orleans, March 15th, 1866.

(Signed) F. B. VINOT, *D'y Cl'k.*

Marshal's return.

Received March 15th, 1866, and on the same day, month, and year served a copy of the within notice on Durant & Hornor, esqrs., in the hands of C. W. Hornor, esq., personally at their office, 18 Carondelet street, in this city.

March 15th, 1866.

(Signed) J. J. PREIS,
D'y U. S. Marshal.

Testimony for libellants.—Filed March 17th, 1866.

UNITED STATES
vs.
ST'R T. S. CONNOLLY. } No. 3,593.

Testimony taken March 17th, 1866, before C. Claiborne,
34 U. S. com'ner. Present, ass't U. S. dist. attorney, and T. J. Durant, for claimant.

A. H. Mason, duly sworn for libellant, says: I do not know the steamboat Connolly. I was under the impression there was such a boat somewhere in the Washita river, but I know nothing of her.
(Signed) A. H. MASON.

Sworn to and subscribed before me, this 17 March, 1866.
(Signed) CHS. CLAIBORNE,
U. S. Com'ner.

Ths. L. Airey, for libellant, says: I don't think that I have ever seen the steamer Connolly. I don't know where she was.
(Signed) THOS. L. AIREY.

Sworn to and subscribed before me, this 17th March, 1866.
(Signed) CHS. CLAIBORNE, *U. S. Com'ner.*

35 *Notice to take testimony.—Issued March 20th, 1866.*

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs.
THE STEAMER T. S. CONNOLLY, &c. } No. 3,593.

To Durant & Hornor, esqrs:

You are hereby notified that testimony will be taken in the above-entitled cause on Tuesday, the 20th day of March, 1866, at the clerk's office of this court, at 5½ o'clock p. m., on behalf of libellant.
New Orleans, March 19th, 1866.
(Signed) F. B. VINOT, *D'y Cl'k.*

Marshal's return.

Received March 19th, 1866, and on the same day, month, and year served a copy of the within notice on Durant & Hornor, esqrs., the attorneys named herein, in the hands of C. W. Hornor, esqr.,
36 personally.
March 20th, 1866.
(Signed) J. J. PREIS,
D'y U. S. Marshal.

Testimony for libellants.—Filed March 20th, 1866.

UNITED STATES
vs.
ST'R T. S. CONNOLLY. } No. 3,593.

Testimony for libellants.

G. D. Hite, sworn, says: I know nothing about this boat, she was in the Washita river, and I on the Red river.

(Signed) GEO. D. HITE.

Sworn to and subscribed before me, this 20th March, 1866.

(Signed) CHS. CLAIBORNE, *U. S. Com'ner.*

Note of evidence.—Filed March 21st, 1866.

UNITED STATES
vs.
STEAMER T. S. CONNOLLY. } No. 3,593.

37 District attorney offered in evidence all the testimony on file.

Defendant offered in evidence the statement of Kouns in the New Era's case.

Also doct. introduced in the New Era's case as to loyalty, and the document from the commander of the Gulf.

Also doc'ts 1 and 2, oaths.

Dist. att'y offered doc't A, on file in suit 8,354, U. S. dist. court docket.

Documents offered in evidence and filed March 21st, 1866.

Statement of G. L. Kouns on file in the case of U. S. *vs.* steamb't New Era, No. 3,584.

UNITED STATES
vs.
ST'R NEW ERA. } No. 3,584.

G. L. Kouns sworn, says: That himself, John Kouns, his brother, Ben. B. Kouns, his brother, and Andrew P. Kouns, his brother, and Isaac H. Kouns, his brother, W. T. Scovell, and Noah Scovell, and James H. Ramsbothum, are the sole members of the corpora-
38 tion known as the Red River Packet Co., organized under the general laws of this State, in 1860, in the month of June or thereabout; of these parties this affiant and his brother Ben are the only one now in New Orleans; Jno. Kouns and W. T. Scovell are in Shreveport, where they have resided for some years past. Isaac H. Kouns, A. P. Kouns, ju'r., and James H. Ramsbotham reside and always have resided in Lawrence county, Ohio; Noah Scovell is a young single man, and probably has his domicil with his brother, W. T. Scovell.

Those members of the said corporation who reside in Ohio, are

loyal and always have been; they were temporarily in Louisiana before the war, running on the corporation boats, and two of them are now here temporarily; they went home and stayed there during the war, and returned after the surrender to look after their interests in the boats; affiant himself was here when the war broke out.

39 He was up the Arkansas river with two of the boats when the city fell; the other three boats, our plantation and canal property around the raft, all being on Red river with cotton in the vicinity of Shreveport; affiant went there to take care of them; Brother John having gone to San Antonio, Texas, with the view of buying a stock ranch, he being in bad health; hearing of the fall of New Orleans, he also returned to Shreveport, not knowing that I would be there; we met there; she remained a few months till we could arrange matters; he purchased a train of teams and hauled a portion of our cotton to Mexico, and went up into the mountains of Santa Rosa, in a healthy location, and there remained till the war was over, with his family. On the breaking up of the war, he returned and joined me in New Orleans. Bro. Ben followed him to Santa Rosa with his family, and afterwards went to Matamoras, and there remained till after the war. To the best of my belief,

40 neither of them took any oath, either to the rebel government or the United States. I never took any oath, till 7th June, 1865. At the time I took this oath there was some impediment to my taking the amnesty oath, for which I applied. I made one trip in the government service, imm'y after taking the oath of allegiance, under the order of General Canby, to Shreveport and back, and then had no difficulty in taking the amnesty oath on my return. The only one of the corporators who was ever in the service of the confederacy was W. T. Scowell, who was in the 15th Louisiana regiment as quartermaster in Virginia, at the surrender of Lee's and Johnson's armies. I cannot produce any oaths taken by any of the parties. I will produce a copy of W. T. Scowel's amnesty oath, if possible; myself and brothers were as loyal as any of the loyalists in this city at the time of its fall. We were in the current, like all other men; and had either to abandon all our prop-

41 erty, the proceeds of at least fifteen years of toil, resulting from steamboating on the Red river and its tributaries, or stay by it and save it if we could.

The original stock was $20,000 capital, and was afterwards increased to $80,000; myself, two brothers, and Scovell, owned three-fourths thereof and over; the others were small stockholders.

(Signed) G. L. KOUNS.

Sworn to and subscribed this 31st January, 1866, before me.

(Signed) F. B. VINOT, *D'y Clerk.*

Oath of allegiance of G. L. Kouns, on file in the said case, No. 3,584:

United States circuit court for the sixth judicial circuit and eastern district of Louisiana.

I, G. L. Kouns, do solemnly swear in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and all laws made in pursuance thereto.

(Signed) G. L. KOUNS.

42 Sworn to and subscribed before me, this seventh day of June, A. D., 1865.

(Signed) F. B. VINOT,
D'y Clerk U. S. Circuit Court, Sixth Judicial Circuit and Eastern Dist. of La.

Documents on file in said case, No. 3,584, to wit:

1st. Letter addressed to Major Gen'l E. R. S. Canby.

NEW ORLEANS, 10*th March*, 1866.

Major Gen'l E. R. S. Canby:

GENERAL: In the course of the proceedings in the U. S. circuit court, we greatly need a copy of the convention by which the rebel General E. Kirby Smith made a formal surrender to you last year.

We have been told that you have some printed copies of this convention, and we would be greatly obliged if you would furnish us with one.

Very respectfully, your obd't servant,

(Signed) DURANT & HORNOR,
18 *Carondelet.*

43 Indorsed: Hd. Qr. Dept. of Louisiana, New Orleans, March 12th, 1866.

Respectfully returned to Durant and Hornor.

The convention itself is confidential, and a copy cannot be furnished.

A copy of General Orders No. 61, series of 1855, hd. qrs. mil. div. West Miss., promulgating the terms of convention is enclosed.

By order of Maj. Gen'l Canby.

(Signed) WICKHAM HOFFMAN,
Ass't Adj't General.

2d military convention.

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
New Orleans, La., May 26th, 1865.

General Order No. 61:

1. By the terms of a convention entered into this day, on the part of General E. K. Smith, commanding the trans-Mississippi department, and Major General E. R. S. Canby, commanding the mili-

44 tary division of West Mississippi, the forces, military and naval, of the trans-Mississippi department, and the public property under their control, have been surrendered to the authorities of the United States.

In carrying out the stipulations of this convention the following conditions will be observed:

1st. All acts of hostility on the part of both armies are to cease from this date.

2d. The officers and men of the confederate army and navy, within the limits of the trans-Mississippi department, to be paroled until duly exchanged, or otherwise released from the obligations of their paroles by the authority of the government of the United States. Duplicate rolls of all officers and men paroled, to be retained by such officers as may be designated by the parties to this convention; officers giving their individual paroles, and commanders of re-
45 giments, battalions, companies, or detachments, signing a like parole for the men of their respective commands.

3d. Artillery, small-arms, ammunitions, and other property of the confederate government, including gunboats and transports, to be turned over to the officers appointed to receive them on the part of the government of the United States; duplicate inventories of the property to be surrendered to be prepared, one copy to be retained by the officer delivering, and the other by the officer receiving it for the information of their respective commanders.

4th. The officers and men paroled under this agreement to be permitted to return to their homes, with the assurance that they will not be disturbed by the authorities of the United States so long as they continue to observe the conditions of their paroles, and the laws in force where they reside. Persons residents of Northern States and not excepted in the amnesty proclamation of the President will be permitted to return to their homes on taking the oath of
46 allegiance to the United States. See paragraph 11, General Orders No. 55, current series.

5th. The surrender of property will not include the side arms, or private horses, or baggage of officers, nor the horses which are in good faith the private property of enlisted men. These last will be allowed to take their horses to their homes, to be used for private purposes only.

6th. The time, mode, and place of paroling, and surrender of property, will be fixed by the respective commanders, and will be carried out by commissioners appointed by them.

7th. The terms and conditions of this convention to extend to all officers and men of the army and navy of the Confederate States being in or belonging to the trans-Mississippi department.

8th. The troops and property to be surrendered within the
47 limits of the division of Missouri will be turned over to commissioners appointed by the commander of that division, and the men and material of the navy to commissioners appointed by the commander of the Mississippi and West Gulf squadrons, respectively, according to the limits in which the said men and material may be found.

9th. Transportation and subsistence to be furnished at public cost to the officers and men, (after being paroled,) to the nearest practicable point to their homes.

10th. If the United States troops designated for the garrisons of interior points should not reach their destinations before the work of paroling is completed, suitable guards will be detailed for the protection of the public property; these guards, when relieved, will surrender their arms, and be paroled in accordance with the terms of this convention.

11th. The U. S. troops sent into the interior of the country
48 will be kept well in hand in a state of the most exact discipline and in constant readiness for any service which they may be called upon to perform, when detachments are made for the purpose of protecting the inhabitants against jayhawkers and other lawless characters, and on all marches through the country, the conduct of officers and men must be such as to inspire the people with confidence and respect, and no depredations, however slight, or interference with the citizens in their lawful pursuits, will be permitted.

3. To guard against the waste or loss of public property, not under the control of the confederate military and naval authorities, the civil officers or agents, in charge of such property, will be regarded as in the service of the United States until relieved by the proper officers or agents of that government; all sales of such property or transfers except to be authorized agents of the govern-
49 ment, are forbidden, and any attempt to conceal or withhold it will work the immediate forfeiture of any private interest that may be involved.

4. Private property will not be interfered with unless required for public use; and where this is necessary, it will be taken in an orderly and regular manner under the orders of the commanding officer; and the proper receipts will be given. Property so received will be disposed of and accounted for as any other public property.

5th. 1. Until the commercial restrictions and the blockade of the Gulf ports, are removed by the President, no foreign or general commerce with those ports or with the interior of the country west of the Mississippi, (within the limits of this division,) can be permitted, and trade will be limited to the wants of the army and navy, and the necessities of the inhabitants within the limits of military occupation. To the extent of these necessities, military permits and clearances may be given for supplies not prohibited by exist-
50 ing orders, but no permit or clearance will be given to any point that is not occupied by a military or naval force.

2d. In the neighborhood of military posts, the inhabitants may freely bring in their produce and take out such supplies as may be required for plantation and family use. Live stock, provisions of all kinds, fuel, and other products and material, required by the army and navy, or for the use of the inhabitants, may be freely sold in open market; but no other products of insurrectionary districts can be sold or shipped, except by delivery to the quartermaster's department for consignment to a purchasing agent of the Treasury Department.

3d. No trade-stores or trade-permits for the interior will be permitted or recognized, until the regulations of the Treasury Department can be extended over the country to be occupied, and,
51 until then, no clearances or permits will be granted for any point that is not occupied by the troops of the United States.

6th. Under the authority of the Executive order of April 29th, 1865, all well disposed persons who accept, in good faith, the President's invitation "to return to peaceful pursuits," are assured that they may resume their usual avocations, not only without molestation, but if necessary, under the protection of the United States troops; conforming to the regulations of the Treasury Department and to the additional condition of not fabricating or dealing in articles contraband of war.

By order of Major Genl. E. R. S. Canby.

C. T. CHRISTENSEN,
Lt. Colonel Ass't Adjutant Gen'l.

Official: (Signed) W. HOFFMAN.

Oath of G. L. Kouns.—No. 811.

I do solemnly swear or affirm, in the presence of Almighty
52 God, that I will henceforth faithfully defend the Constitution of the United States, and the Union of States thereunto, and that I will in like manner abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God.

(Signed) G. L. KOUNS.

Sworn to and subscribed before me, this 27th day of June, A. D. 1865.

(Signed) CH'S CLAIBORNE,
Clerk U. S. Circuit Court Sixth Judicial Circuit and Eastern District of La.

CLERK'S OFFICE.

A true copy of the original of record in this office.
New Orleans, March 21st, 1866.

(Signed) F. B. VINOT, *D'y Cl'k.*

Oath of G. L. Kouns.

United States circuit court for the sixth judicial circuit and eastern district of Louisiana.

53 I, G. L. Kouns, do solemnly swear in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and all laws made in pursuance thereto.

(Signed) G. L. KOUNS.

Sworn to and subscribed before me, this 7th day of June, A. D. 1866.

(Signed.) F. B. VINOT,
D'y Clerk U S Circuit Court Sixth Judicial Circuit and Eastern District of Louisiana.

CLERK'S OFFICE.

A true copy of the original of record in this office.
New Orleans, March 21st, 1865.
(Signed) F. B. VINOT, *D'y Clerk.*

Document A, on file in said case, No. 3,584.

Know all men, by these presents, that I, Philip D. O'Neal, for myself, and by the power of attorney of Nathan H. Dumphe, do herewith transfer, sell, and deliver to the Red River Packet
54 Co., G. L. Kouns, pres., the full right and ownership to the steamer T. S. Conally, furniture, tackle, &c., fully guaranteed against all claims due against the boat previous to this date, for and in consideration of their draft on Rolli, Benachi & Co., of New Orleans, La., for six thousand dollars in specie.

Signed and delivered in presence of, this the second day of February, 1864.

(Signed) Capt. P. D. O'NEAL. [SEAL.]
(Signed) NATHAN H. DUMPHE,
pr. P. D. O'NEAL, [SEAL.]
with power of attorney.

Witnesses:
JOHN REPDEGRAFT.
J. MONSON.

(Signed) G. L. KOUNS,
Pres't Red River Packet Co.

I hereby guarantee G. L. Kouns & Bro. against all debts due by the s'tboat T. S. Conly previous to the date of this bill of sale.
(Signed) W. L. CUSHING.

55 *Hearing and submission.—From minutes March 21st,* 1866.

UNITED STATES
vs.
THE STEAMER CONNOLLY, ETC. } No. 3,593.

This cause came up for trial, dist. attorney for libellants, Durant & Hornor for the Red River Packet Company, claimants.

When, after hearing the pleadings, evidence, and argument, the court took time to advise.

Final decree dismissing libel.

Circuit court of the United States, sixth circuit and eastern district of Louisiana, April term, 1866.

NEW ORLEANS, *Saturday, June 30th*, 1866.

Court met pursuant to adjournment. Present: Hon. E. H. Durell, dist. judge.

UNITED STATES
vs.
THE STEAMER T. S. CONNOLLY. } No. 3,593.

56 For reasons orally assigned by the court in the case of the United States versus the steamer Frolic, No. 3,595 of the docket, it is ordered, adjudged, and decreed that the libel be dismissed, and that the property seized be restored to the claimant upon payment of all costs and for a fee of $250 to the district attorney.

Judgment rendered June 30th, 1866.

Judgment signed June 30th, 1866.

(Signed) E. H. DURELL, *Judge.*

UNITED STATES
vs.
STEAMER T. S. CONNOLLY, &c. } No. 3,593.

Petition of appeal.—Filed July 6th, 1866.

U. S. circuit court.

To the hon. the judges of the circuit court of the United States for the sixth circuit and eastern dist. of La.:

57 The petition of Jno. K. Goodloe, United States attorney, in the name and behalf of the United States of America, libellants, herein respectfully represents, that a final sentence and decree was entered on the 30th day of June, 1866, in the above-entitled cause, in said circuit court of the United States for the east. dist. of La., in and by which said final sentence and decree it was ordered, adjudged, and decreed that the libel herein be dismissed and the property seized restored to the claimants; that said final sentence and decree is adverse to libellants, and to their manifest injury and prejudice; that the matter in controversy exceeds in value the sum of two thousand dollars; that your petitioner, in behalf as aforesaid, feels aggrieved by the rendition of said final decree, and is advised that the same is erroneous and ought to be reversed.

Wherefore, petitioner, in behalf as aforesaid, doth hereby appeal from said final decree to the Supreme Court of the United
58 States, returnable on the first Monday of next December, and prays this honorable court to grant him a suspensive appeal from said final decree, the same to operate as a supersedeas, and that said final sentence and decree may be reversed, and such other decree thereupon made as to the said Supreme Court shall seem just,

and that a transcript of the the record and proceedings in this cause, duly authenticated, may be sent up to the said Supreme Court with out delay.

(Signed) C. S. KELLOGG,
Ass't U. S. Attorney.

Order.

An appeal, to operate as a supersedeas, is allowed in this case, as prayed for, returnable to the Supreme Court of the United States the first Monday of December next, the appellants being by law dispensed from giving bond and security in judicial proceedings.

July 6th, 1866.

(Signed) E. H. DURELL, *Judge.*

59 UNITED STATES OF AMERICA,
Circuit Court of the United States,
Sixth Circuit and Eastern District of Louisiana.

CLERK'S OFFICE.

I, Charles Claiborne, clerk of the circuit court of the United States for the sixth circuit and eastern district of Louisiana, do hereby certify that the foregoing 58 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, together with all the evidence adduced on the trial of the case of the United States *vs.* the steamer T. S. Connolly, her tackle, apparel, &c., No. 3,593 of the docket, so far as the same now remain of record or on file in said court.

Witness my hand and the seal of said court, at the city of New Orleans, this 18th day of August, A. D. 1866.

[SEAL.] CH'S CLAIBORNE, *Clerk.*

[5-ct. stamp, cancelled.]

I, E. H. Durell, United States judge for the eastern district of Louisiana, do hereby certify that Charles Claiborne, whose name is signed to the above certificate as clerk of the circuit court of the United States for the sixth circuit and eastern district of Louisiana, was, at the time of signing said certificate, and is now, the clerk of said court. That said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand and seal, at the city of New Orleans, in said district, this 18th day of August, A. D. 1866.

E. H. DURELL, *Judge.*

[5-ct. stamp, cancelled.]

60 THE UNITED STATES OF AMERICA,
Eastern District of Louisiana:

The President of the United States to the Red River Packet Company, claimant and defendant, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden at the city of Wash-

ington on the first Monday of December next, pursuant to a petition and order of appeal filed in the clerk's office of the circuit court of the United States for the 6th circuit and eastern district of Louisiana, to answer the appeal taken by the United States of America in this cause, and that you show cause, if any there be, why the judgment rendered against the said United States, as in said petition mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 7th day of July, in the year of our Lord one thousand eight hundred and sixty-six.

E. H. DURELL, *Judge.*

Marshal's return.

Received July 12th, 1866, and on the same day, month, and year served a copy of the within citation of appeal on the Red River Packet Company, claimants and defendant, named herein, by leaving it in the hands of C. W. Hayward, agent of G. L. Kouns, president of said company, at the office of said company, No. 59 Common street, in this city, said Kouns being absent from the city at the time of said service.

New Orleans, July 12, 1866.

M. EGAN.
D'y U. S. Marshal.

Filed 18 October, 1866.

N. 216 Alvis en el Gratis
Pl.

Yerba del

Rancho de Higuera

Limites de Canada
de St Jose

Arroyo de St Jose

Arroyo de Monterey

Arroyo de Monterey

Obs. La linea de puntos a B es el
camino de ruedas segun concedido
por decreto de 2 diciembre de 1834.
y el total de esta es de seis sitios
y quedo asi ——

Monterey

A

B

Lomas Altas

Tierras Ocupadas por El Señ. Jose Higuera

Tierras Baldias

Linderos del Sitio

Arroyo del Sitio de Montezito

Montezito

Rancho

Linea Divisoria

Arroyo que desemboca en el Estero

Limites del terreno de la Mission de San José

Camino Real para S. Juan

Escala de 1000 Varas

N

O

E

S

DISEÑO del SITIO

que ocupa El Ciud.no José Maria Alfaro y perteneciente a la Jurisdiccion del Pueblo de San Jose Guadalupe la propiedad se solicito en 5 de Nov.bre de 1834.

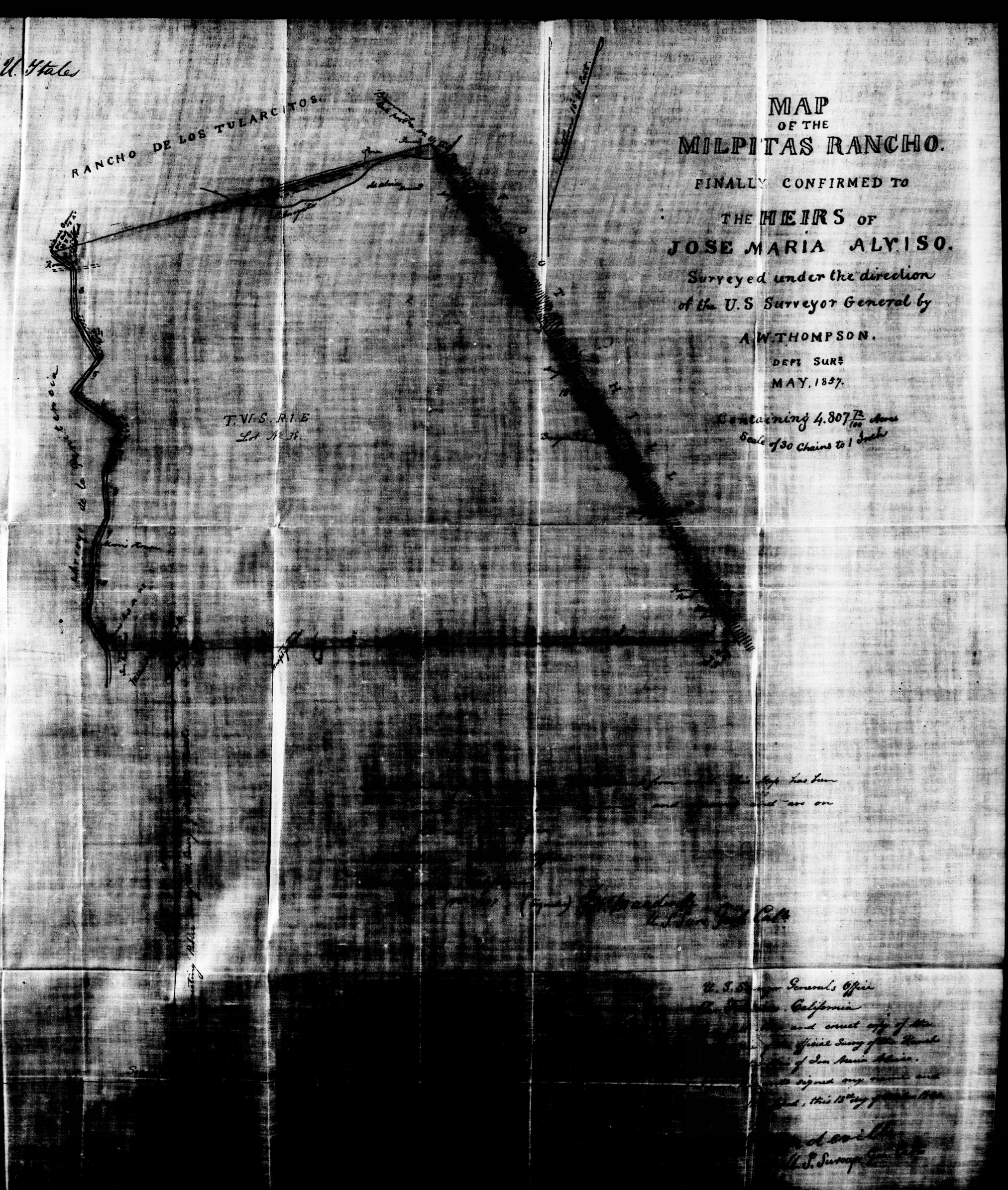
N.º 286 Plano 9 Leg.º 49

N° 286. Alviso vs U. States

P. 95

Boundaries

№	Course		Length Chs.	Lks.
1	S 74½	W	180	
2	" 36½	E	13	60
3	" 1¾	"	23	—
4	" 30	"	22	—
5	" 37½	W	20	—
6	" 54	E	27	—
7	" 17¾	W	23	—
8	" 8¼	E	17	—
9	" 24	W	16	—
10	" 4½	"	34	—
11	" 29½	E	16	—
12	East		284	50
13	N 30½	W	269	—



MAP
OF THE
MILPITAS RANCHO.

FINALLY CONFIRMED TO

THE HEIRS OF

JOSE MARIA ALVISO.

Surveyed under the direction
of the U.S Surveyor General by

A. W. THOMPSON.

DEPT SURVS

MAY, 1857.

Containing 4.807 12/100 Acres

Scale of 30 Chains to 1 Inch

...from the Map which has been
...and returned with ...

(Signed) ...
U.S. Surveyor Genl Cal.

U. S. Surveyor Generals Office
San Francisco, California
...and correct copy of the
...Official Survey of the Rancho
...of Jose Maria Alviso.
...signed my name and
...Seal, this 13th day of ... 1858.

...
U.S. Surveyor Genl Cal.

Ap. 86 Calle Nueva

S. 16a

Rancho Los Tres

Confirmed to Higuera

Tide Swamp

Arroyo de en Medio

Main's House

Town of MILPITAS.

Creek used

Rancho

Adobe

Bridge

Alviso vs U. States

Calaveras Valley

cho Los Tu

confirmed to Higuera

Alviso's House

Arroyo Las Positas

South Boundary

Road

Arroyo de los Puercos

Main Road from Oakland

Arroyo las Malpitas

J.C. Morrill

Rocks

Arroyito

by the U.S. Surveyor Gen.l

Map

of the Rancho

LAS MALPITAS

(Confirmed to Alviso)

and Vicinity

in Santa Clara County

Surveyed by Jas F. Shafton

April

Arroyo Las Milpitas

J.C. Morrill

Arroyito

South Boundary of "Las Milpitas" as approved by the U.S.

Map
of the Rancho
LAS MALPITAS
(Confirmed to Alviso)
and Vicinity
in Santa Clara County

Surveyed by [illegible]

Scale 20 chs = 1 Inch

Escala de leguas de 60 por grado

N° 286. Mundo de Los Estados
p. 161.—

A. Mente
del Mundo

RANCHO

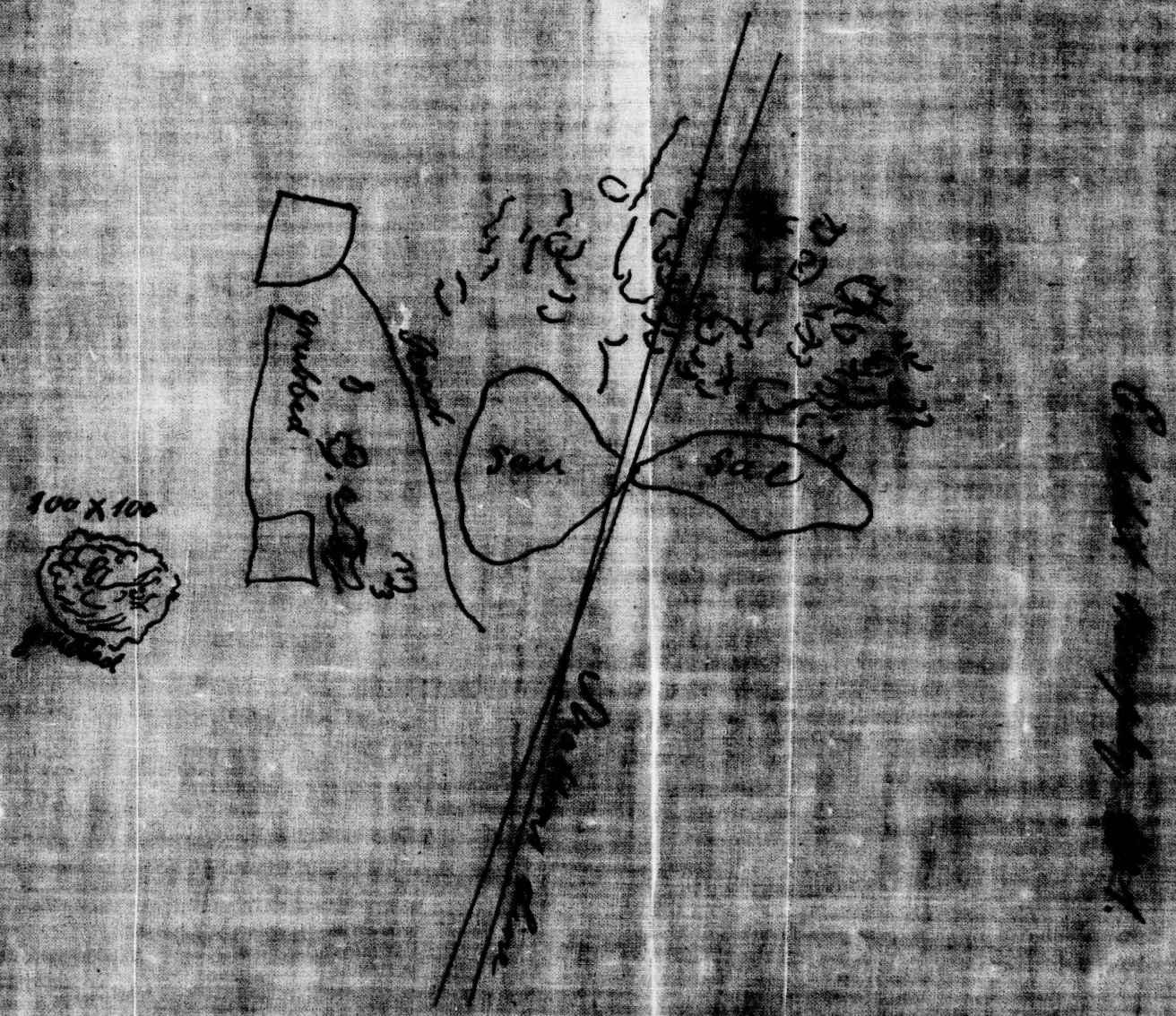
RANCHO LOS ESTEROS
Patented

T.6.S.R.1.W.

RANCHO

GENERAL

No 286 Alonso vs U. States
pag. 244



No 286. Alviso vs. U.S. Patent
p 284

RANCHO RINCON DE LOS ESTEROS
finally confirmed to
Ellen E. White

Mount Diablo Meridian line

RANCHO LOS MILPITAS

VALLEY

Pan Tosa

Sec. 19

Sec. 20
Montecito

Mc Laughlin's Creek

Spring

Reservoir

Dwelling

Barn

Corral

Orchard

Fence

Road to San Jose

Road to Alviso

Road to Milpitas

Road to Penitencia

Road to Santa Clara

Road to Mission San Jose

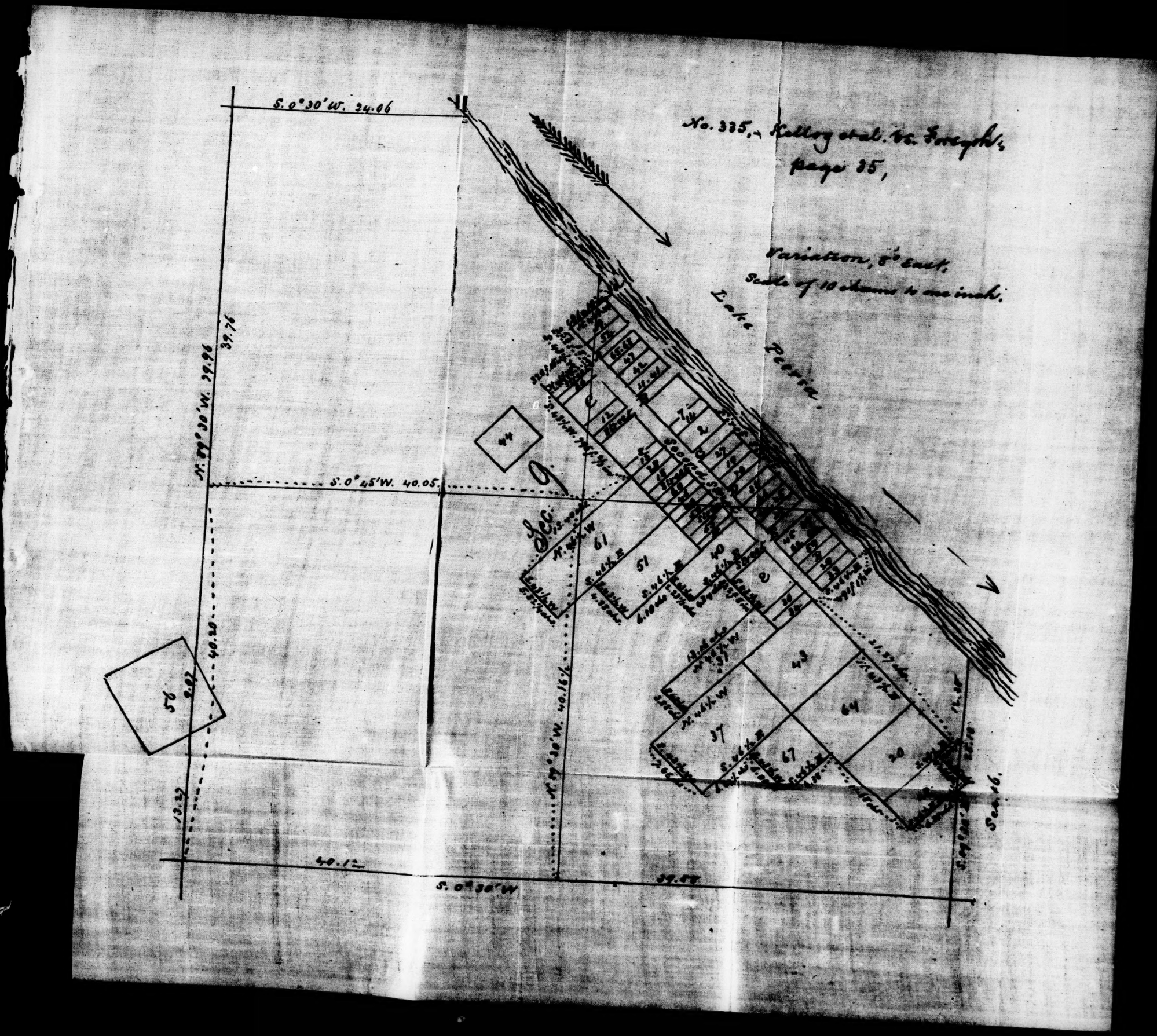
Road to Mission Santa Clara

Road to Mission San Jose

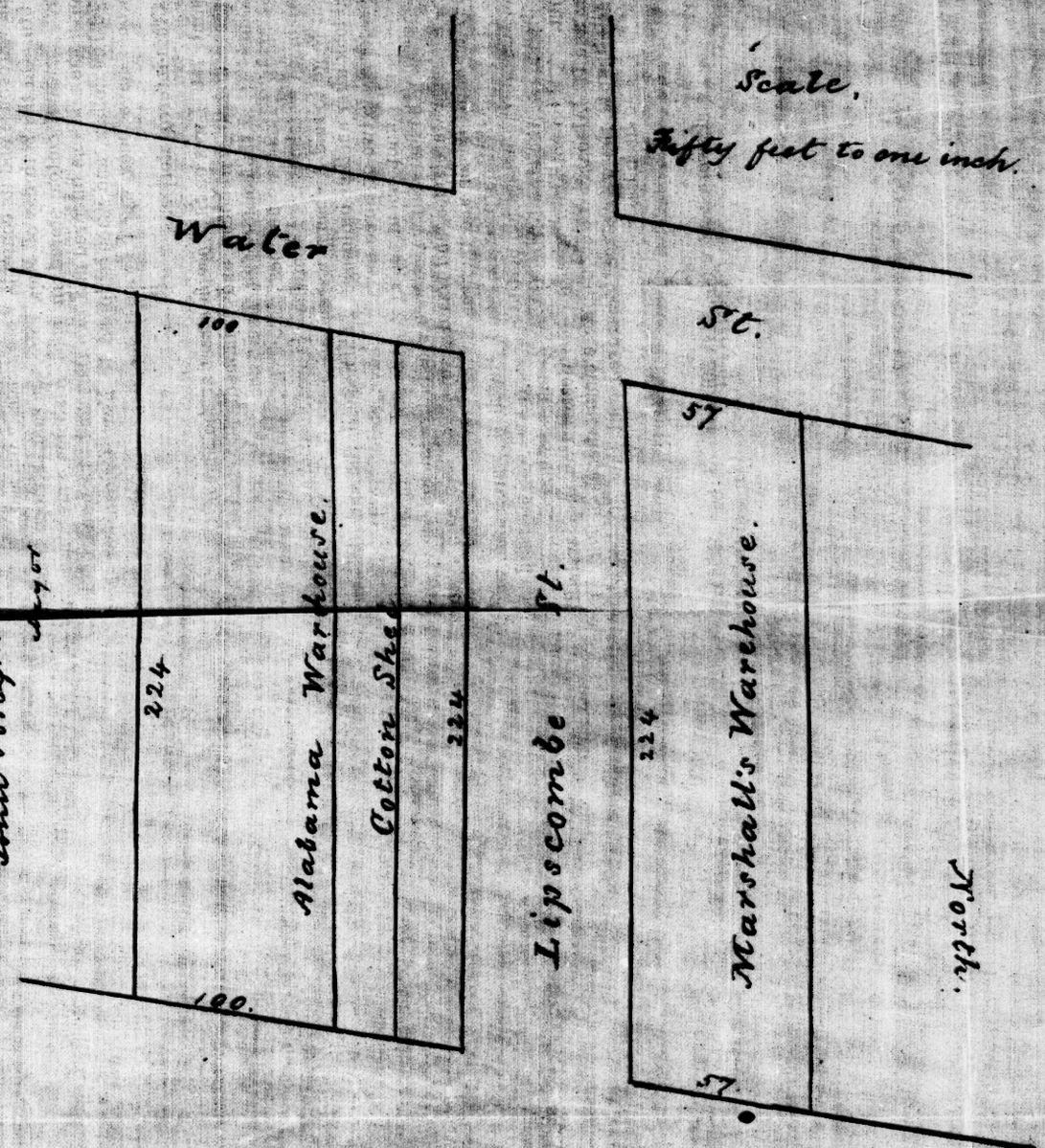
Road to Mission Santa Clara

Road to Mission San Jose

Road to Mission


No. 335, Kellogg stab. Vs. Forsyth
page 35,
Variation, 8° East.
Scale of 10 chains to one inch.
Lake Peoria.
S. 0° 30' W. 24.06
N. 89° 30' W. 39.76
S. 0° 45' W. 40.05
Sec. 15
Sec. 16.
S. 0° 30' W.
44
56
61
51
40
43
64
37
67
20
2

Plat - annexed to Commission.



Annexed to Mr's 30th of August 1865
John Forsyth
Mayor

Examined & plat
made 30 Aug 1865.
by J. J. Pollard
Cotty Surveyor
Montgomery Ala.

No. 291 -